

# **Exhibit A**



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VIA EMAIL

February 13, 2008

Cynthia S. Arato, Esq.  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, New York 10166

**Re: *In re XM Satellite Radio Copyright Litigation***

Dear Cynthia:

We write in response to your letter of February 11, 2008 expressing your concerns about the status of the document production by XM Satellite Radio, Inc. ("XM").

Contrary to your baseless contention, XM has not delayed in its document review and production efforts. To date, we have compiled over a million documents by running search terms through electronic records maintained by XM and collecting documents directly from various XM document custodians. I estimate that we have completed the first-tier review of approximately 80-90% of those documents – an effort that has required an enormous expenditure of time and money by XM.

We fully expect to complete XM's document production by April 1, 2008, as required by the Scheduling Order. As you know, we produced approximately 4,100 documents on Monday, February 4 and 4,300 documents on Tuesday, February 11 (for a total of approximately 37,000 pages). We intend to make another production of approximately 2,000 documents by the end of this week. Beginning next week, our weekly productions should significantly increase in volume, primarily due to the fact that we have made progress in addressing XM's confidentiality obligations to third parties.

Please let me know if you have any questions or concerns about the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Willsey".

Peter J. Willsey

cc: Celia Goldwag Barenholtz  
Stephen A. Wieder  
Shannon S. McKinnon  
Brendan J. Hughes